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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,361	05/24/2000	Tamara Maes	4409US	4901
7590	11/13/2002		EXAMINER	
Allen C Turner Trask Britt P O Box 2550 Salt Lake City, UT 84110-2550			ART UNIT	PAPER NUMBER

DATE MAILED: 11/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Communication Re: Appeal</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/578,361	MAES ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Teresa E Strzelecka	1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:
  - (a)  it was not timely filed.
  - (b)  the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
  - (c)  the appeal fee received on \_\_\_\_\_ was not timely filed.
  - (d)  the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$\_\_\_\_\_.
  - (e)  the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
  - (f)  a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.

2.  The appeal brief filed on August 19, 2002 is NOT acceptable for the reason(s) indicated below:

- (a)  the brief and/or brief fee is untimely. See 37 CFR 1.192.
- (b)  the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
- (c)  the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$\_\_\_\_\_.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).

x(d) see note

3.  The appeal in this application is DISMISSED because:

- (a)  the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (b)  the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (c)  Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
- (d)  other: \_\_\_\_\_

4.  Because of the dismissal of the appeal, this application:

- (a)  is abandoned because there are no allowed claims.
- (b)  is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c)  is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.

**DETAILED ACTION**

*ClaimsAppealed*

1. Claims appealed are 1-17 and 19-22.
2. A substantially correct copy of appealed claim 1-17 and 19-22 appears on pages 14-19 of the Appendix to the appellant's brief. The minor errors are as follows:
  - a) In claim 6, line 13, misspelling of the word "fragments".
  - b) In claim 8, line 1, "toclaim".
  - c) In claim 14, line 1, "of" after "kit" was replaced with "according to".
  - d) In claim 15, line 1, "of" after "kit" was replaced with "according to".
  - e) In claim 17, line 1, "of" after "kit" was replaced with "according to".

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR**

**1.192(c)**

3. The brief includes a statement that claims of Group I (1-3, 7, 9-11, 20 and 22) do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(7). MPEP § 1206.
4. The brief includes a statement that claims of Group III (5, 6 8 and 12) do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(7). MPEP § 1206.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa E Strzelecka whose telephone number is (703) 306-5877. The examiner can normally be reached on M-F (8:30-5:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached at (703) 308-1119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

TS

November 12, 2002

TS

*Kenneth R. Horlick*  
KENNETH R. HORLICK, PH.D  
PRIMARY EXAMINER

11/12/02